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7	MARK FEATHERS		
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10	UNITED STATES DISTRICT COURT		
11	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
12	SAN JOSE DIVISION		
13	GEOLIDITIES AND EVOLUNGE		
14	SECURITIES AND EXCHANGE ) COMMISSION, )	C N. 5.12 02027 EID	
15	Plaintiff,	Case No. 5:12-cv-03237-EJD	
16	vs.	CUTION AND INDESTRUCTION	
17	SMALL BUSINESS CAPITAL CORP.; MARK )	STIPULATION AND [PROPOSED] ORDER PARTIALLY MODIFYING	
18	FEATHERS; INVESTORS PRIME FUND, LLC;) and SBC PORTFOLIO FUND, LLC,	PRELIMINARY INJUNCTION	
19	Defendants.		
20	Defendants.		
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22	,		
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	Case No. 5:12-cv-03237-EJD STIPULATION & [PROPOSED] ORDER PARTIALLY MODIFYING PRELIMINARY INJUNCTION		

1	Whereas, plaintiff Securities and Exchange Commission ("Commission") commenced this		
2	action against defendant Mark Feathers ("Feathers"), and three entities he controlled – defendant		
3	Small Business Capital Corp. ("SB Capital") and two mortgage investment funds SB Capital and		
4	Feathers managed, defendant Investors Prime Fund, LLC ("IPF") and SBC Portfolio Fund, LLC		
5	("SPF"); and		
6	Whereas, on June 26, 2012, the Court entered a Temporary Restraining Order and Orders:		
7	(1) Freezing Assets, (2) Prohibiting the Destruction of Documents, (3) Granting Expedited		
8	Discovery, (4) Requiring Accountings, and (5) Appointing a Temporary Receiver; and Order to		
9	Show Cause re Preliminary Injunction and Appointment of a Permanent Receiver ("TRO Order")		
10	(Docket No. 16); and		
11	Whereas, Feathers did not contest the entry of a preliminary injunction and appointment of		
12	a permanent receiver over SB Capital, IPF, and SPF, and consented to the entry of a Preliminary		
13	Injunction and Orders: (1) Freezing Assets; (2) Prohibiting Destruction of Documents; (3)		
14	Requiring Accountings; and (4) Appointing a Permanent Receiver; and		
15	Whereas, on July 10, 2012, the Court entered a Preliminary Injunction and Orders: (1)		
16	Freezing Assets; (2) Prohibiting Destruction of Documents; (3) Requiring Accountings; and (4)		
17	Appointing a Permanent Receiver ("PI Order") (Docket No. 34); and		
18	Whereas, Paragraph VI of the PI Order continued the freeze, first imposed by the TRO		
19	Order, on all monies and assets of Feathers, but provided that funds could be released for Feathers		
20	necessary and reasonable living expenses only upon good cause shown by application to the Court		
21	with notice to and an opportunity for Commission to be heard; and		
22	Whereas, counsel for Feathers and counsel for the Commission have met and conferred		
23	about Feathers' request to release monies and assets of Feathers to allow him to pay for necessary		
24	and reasonable living expenses;		
25	Now, therefore, the Commission and Feathers stipulate and agree, and ask the Court to		
26	order, that that PI Order be partially modified to release from the asset freeze the following assets		
27	of Feathers for him to pay for necessary and reasonable living expenses: (1) the 2009 KTM 200FX		
28	motorcycle so that Feathers can sell the motorcycle and use the proceeds to pay for necessary and		
	-2- Case No. 5:12-cv-03237-EJD STIPULATION & [PROPOSED] ORDER PARTIALLY MODIFING PRELIMINARY INJUNCTION		

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1	reasonable living expenses; and (2) the 2011 Cadillac Escalade EXT so that Feathers may surrende		
2	the vehicle to the lender and no longer be obligated to make monthly payments toward the purchase		
3	3 of the vehicle.	of the vehicle.	
4	4 IT IS SO STIPULATED.		
5		ALIMIA CEN O DODDENLLD	
6	6 Dated: October 16, 2012 BR	RAUNHAGEY & BORDEN LLP	
7			
8	8 By	: /s Mark P. Fickes	
9	9	Attorneys for Defendant Mark Feathers	
10			
11	Dated: October 16, 2012 SE	CURITIES AND EXCHANGE COMMISSION	
12		· /o	
13	3 By	: /s John B. Bulgozdy	
14	4	Attorneys for Plaintiff Securities and Exchange Commission	
15	5	Exchange Commission	
16	6		
17	Filer's attestation: Pursuant to General Oder No. 45.X.B, counsel for Mark Featners attests that		
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28	8	-3- Case No. 5:12-cv-03237-EJD	
	STIPULATION & [PROPOSED] ORDER PART	TIALLY MODIFING PRELIMINARY INJUNCTION	

[PROPOSED] ORDER The Court has considered the stipulation of the SEC and Mr. Feathers and finds good cause to order that the PI Order be partially modified to release from the asset freeze the following assets of Feathers for him to pay for necessary and reasonable living expenses: : (1) the 2009 KTM 200FX motorcycle so that Feathers can sell the motorcycle and use the proceeds to pay for necessary and reasonable living expenses; and (2) the 2011 Cadillac Escalade EXT so that Feathers may surrender the vehicle to the lender and no longer be obligated to make monthly payments toward the purchase of the vehicle. IT IS SO ORDERED. Dated: October <u>17</u>, 2012 UNITED STATES DISTRICT JUDGE Case No. 5:12-cv-03237-EJD